

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RICKIE EUGENE TAYLOR, JR.,	§	
Plaintiff,	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 2-05-CV-262 (TJW)
JP&B ENTERPRISES, INC., and JON	§	
ASHLEY MORGAN,	§	
Defendants.	§	
	§	

MEMORANDUM OPINION AND ORDER

Before the Court is JP&B Enterprises, Inc.'s ("JP&B") and Jon Ashley Morgan's ("Morgan") Motion to Dismiss or Transfer Venue. Having considered the parties' written submissions, the Court DENIES the motion.

Defendants assert that venue is not proper in the Marshall Division of the Eastern Division of Texas because the underlying cause of action arises out of a motor vehicle accident that occurred in Van Zandt County. Defendants admit that they are both residents of the state of Louisiana.

28 U.S.C. § 1391 is dispositive of Defendants' Motion to Dismiss, providing in relevant part:

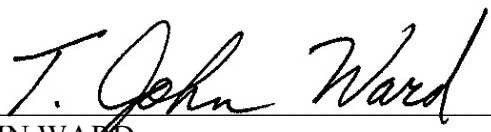
A civil action where diversity is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in . . . (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred[.]

This case is based solely on diversity of citizenship. Defendants admit that the accident occurred in Van Zandt county. Accordingly, Plaintiff could bring his suit in any Division within the Eastern District of Texas. Defendants' Motion to Dismiss is therefore denied.

This Court has addressed numerous requests to transfer venue and is well aware of the law relating to such an issue. Rather than offer proof and arguments related to the myriad of factors related to a motion to transfer venue, Defendants simply insist that the case should be transferred to

the Tyler Division of the Eastern District of Texas because it is the location of the accident. This showing is simply insufficient. Accordingly, Defendants' Motion to Transfer Venue is denied.

SIGNED this 26th day of August, 2005.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE